

A G E N D A

MONTGOMERY COUNTY PUBLIC SERVICE AUTHORITY
Regular Meeting
County Administration Conference Room
Montgomery County Government Center
Tuesday, September 8, 2009
7:00 P.M.

I. CALL TO ORDER

II. DETERMINATION OF QUORUM

III. PUBLIC ADDRESS SESSION

IV. CONSENT AGENDA

V. NEW BUSINESS

A. Approve Regulation – Water/Sewer Facility Fee Payments

VI. FINANCIAL REPORT

VII. DIRECTOR'S REPORT

VIII. AUTHORITY MEMBERS' REPORT

IX. INTO CLOSED MEETING

Section 2.2-3711

(1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Personnel

X. OUT OF CLOSED MEETING

XI. CERTIFICATION OF CLOSED MEETING

XII. ADJOURNMENT

TO: PSA Board of Directors
FROM: Robert C. (Bob) Fronk, PSA Director
DATE: September 4, 2009
SUBJECT: **AGENDA REPORT - PSA REGULAR MEETING – SEPTEMBER 8, 2009**

I. CALL TO ORDER

The Chair will call this meeting to order.

II. DETERMINATION OF QUORUM

The Chair will determine if a quorum is present.

III. PUBLIC ADDRESS SESSION

The Chair will ask if there are any comments from the public. Each person will be allowed five minutes to address the Board.

IV. CONSENT AGENDA

PROPOSED RESOLUTION:

BE IT RESOLVED, that the Public Service Authority hereby approves the Consent Agenda, dated September 8, 2009.

V. NEW BUSINESS

**A. SUBJECT: APPROVE REGULATION –
WATER/SEWER FACILITY FEE
PAYMENTS**

PROPOSED RESOLUTION:

BE IT RESOLVED, that the Public Service Authority hereby approves the following revised regulation in reference to water and sewer facility fee payments for residential and commercial developments; and, that said change will be incorporated into the Regulations for Water/Sewer Service:

SECTION E - REGULATIONS FOR WATER/SEWER SERVICE

1 - Water/Sewer Service Fees:

(d) Facility Fee Payments;

i. Facility Fee Payments for NEW RESIDENTIAL Developments:

Twenty-five (25) percent of the water and/or sewer facility fees for all lots shall be paid at the time of **subdivision** plat/~~plan~~ approval. Seventy-five (75) percent of the facility fee shall be paid prior to **site/construction plan approval**, issuance of a

building permit or water use for the lot. When the facility fee is increased, the developer/applicant may pay the remaining seventy-five (75) percent of the prior fee within one (1) year after the effective date of the new fee. Thereafter, the remaining seventy-five (75) percent shall be based upon the fee in existence at the time the balance is paid.

~~The balance of the facility fee shall be paid within five (5) years of the plat/plan approval.~~ **The** Thereafter, the Authority is not **only** obligated to reserve water and/or sewer capacity **for five (5) years after plat/plan approval** and **thereafter** connection to the Authority's water and/or sewer facilities shall only be allowed if capacity exists in the Authority's water and/or sewer facilities.

ii. Facility Fee Payments for NEW COMMERCIAL Developments:
Twenty-five (25) percent of the water and/or sewer facility fees for all lots shall be paid at the time of subdivision plat approval. Seventy-five (75) percent of the facility fee shall be paid prior to site/construction plan approval, issuance of a building permit or water use for the lot. When the facility fee is increased, the developer/applicant may pay the remaining seventy-five (75) percent of the prior fee within one (1) year after the effective date of the new fee. Thereafter, the remaining seventy-five (75) percent shall be based upon the fee in existence at the time the balance is paid.

The balance of the facility fee shall be paid within eighteen (18) months of the plat/plan approval. Thereafter, the Authority is not obligated to reserve water and/or sewer capacity and connection to the Authority's water and/or sewer facilities shall only be allowed if capacity exists in the Authority's water and/or sewer facilities.

iii. Facility Fee Payments for EXISTING RESIDENTIAL or COMMERCIAL Properties:
The entire facility fee (100%) shall be paid prior to site/construction plan approval, issuance of a building permit or water use for the lot.

iv. Prepaid facility fees for developments where the Authority is no longer obligated to reserve water and/or sewer capacity, may be transferred or credited within five (5) years after plat/plan approval towards another development within PSA service areas provided capacity exists in that service area. Facility fees shall be non-refundable. In order to maintain the prepaid facility fee after the five year transfer/credit period, the remainder of the facility fee shall be paid, a PSA utility account established and payment of minimum monthly charges.

JUSTIFICATION:

At the PSA meeting of August 3, 2009 the Director discussed the current regulation concerning water and sewer facility fee payments and issues with reserving capacity for developments. The Board requested the Director to finalize the current regulation for approval at the next PSA Board meeting.

VI. FINANCIAL REPORT

The financial report for period ending August 31, 2009 is presented for review and discussion. See Item 2.

VII. DIRECTOR'S REPORT

The Director's report will be presented at this time. See Item 3.

VIII. AUTHORITY MEMBERS' REPORT

1. Member Muffo
2. Member Politis
3. Member Perkins
4. Member Brown
5. Member Marrs
6. Member Biggs
7. Member Creed

IX. INTO CLOSED MEETING

PROPOSED RESOLUTION:

BE IT RESOLVED, that the Public Service Authority hereby enters into Closed Meeting for discussion of the following:

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| Section 2.2-3711 | <p>(1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body</p> <p>1. Personnel</p> |
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X. OUT OF CLOSED MEETING

PROPOSED RESOLUTION:

BE IT RESOLVED, that the Public Service Authority ends their Closed Meeting to return to Regular Session.

XI. CERTIFICATION OF CLOSED MEETING

PROPOSED RESOLUTION:

WHEREAS, the Public Service Authority of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2.3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the Public Service Authority does hereby agree, that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the meeting to which this certification resolution applies; and (ii) only public business matters as were identified in the motion conveying the Closed Meeting were heard, discussed or considered by the Authority.

XII. ADJOURNMENT

PROPOSED RESOLUTION:

BE IT RESOLVED, that the Public Service Authority does hereby adjourn to the next meeting scheduled for Monday, October 5, 2009.

CONSENT AGENDA
September 8, 2009

A. APPROVAL OF MINUTES

**1. SUBJECT: APPROVAL OF MINUTES DATED
AUGUST 3, 2009**

ISSUE/PURPOSE: The above listed minutes are before the
Board for approval. See Item 1.